

Assembly Bill No. 468

Passed the Assembly April 13, 2015

Chief Clerk of the Assembly

Passed the Senate July 2, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 2356 of the Probate Code, relating to wards and conservatees.

LEGISLATIVE COUNSEL'S DIGEST

AB 468, Jones. Wards and conservatees: mental health.

Existing law generally prescribes the extent of the powers and duties of guardians and conservators and limits those powers by prohibiting the involuntary commitment of a ward or conservatee to a mental health treatment facility, except as specified. Existing law requires the Director of State Hospitals to adopt and issue regulations defining “mental health treatment facility” for those purposes.

This bill would delete the requirement that the director adopt and issue regulations defining “mental health treatment facility” for those purposes.

The people of the State of California do enact as follows:

SECTION 1. Section 2356 of the Probate Code is amended to read:

2356. (a) A ward or conservatee shall not be placed in a mental health treatment facility under this division against his or her will. Involuntary civil placement of a ward or conservatee in a mental health treatment facility may be obtained only pursuant to Chapter 2 (commencing with Section 5150) or Chapter 3 (commencing with Section 5350) of Part 1 of Division 5 of the Welfare and Institutions Code. Nothing in this subdivision precludes the placing of a ward in a state hospital under Section 6000 of the Welfare and Institutions Code upon application of the guardian as provided in that section.

(b) An experimental drug as defined in Section 111515 of the Health and Safety Code shall not be prescribed for or administered to a ward or conservatee under this division. An experimental drug may be prescribed for or administered to a ward or conservatee only as provided in Article 4 (commencing with Section 111515)

of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

(c) Convulsive treatment as defined in Section 5325 of the Welfare and Institutions Code shall not be performed on a ward or conservatee under this division. Convulsive treatment may be performed on a ward or conservatee only as provided in Article 7 (commencing with Section 5325) of Chapter 2 of Part 1 of Division 5 of the Welfare and Institutions Code.

(d) A minor shall not be sterilized under this division.

(e) This chapter is subject to a valid and effective advance health care directive under the Health Care Decisions Law (Division 4.7 (commencing with Section 4600)).

Approved _____, 2015

Governor